THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2484 OF 2005

16.3.2006

Between:

Smt.T.Padmavathi, W/o.Srinivasa Rao

… Petitioner

AND

The Executive Officer, Grama Panchayat, Nandigama

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2484 OF 2005

ORDER:

The petitioner is resident of Nandigama village. She purchased an existing old house under registered sale deed dated 20.12.1996. So as to re-erect a new house after demolishing the dilapidated house, she approached the first respondent for building permission. By proceedings dated 11.11.2004, the Gram Panchayat, Nandigama permitted the petitioner to construct ground floor. The petitioner alleges that when the construction was in progress, the respondents orally directed the petitioner to stop the construction and tried to interfere in the matter. Therefore, the present writ petition is filed seeking *inter alia* a direction to the respondents not to interfere with the construction without due process of law.

Though the interlocutory applications are listed today, the matter was heard finally and is being disposed of by this order.

Though the notice is served, the first respondent has not filed counter affidavit. The third respondent, who was subsequently impleaded, has filed counter affidavit alleging that the petitioner encroached upon Gramakantham land and constructing a

house, which is detrimental to the villagers, who are drawing water from a well allegedly constructed by the forefathers of the third respondent. The third respondent, however, does not dispute that the Gram Panchayat did not initiate any action either for preventing the petitioner from constructing house on Gramakantham land or from any deviations in the construction.

The writ petition is filed only on an allegation that there is no notice to the petitioner and that the respondents orally instructed the petitioner to stop the construction. Therefore, instead of keeping the matter pending, the writ petition is disposed of observing that without due process of law and without issuing any notice to the petitioner for the encroachment of Gramkantham land or for any deviation from the sanctioned plan, the respondents cannot be interfered with the construction of the petitioner.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

March 16, 2006

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